

Notice of Allowability

Application No.

09/807,842

Examiner

Fred M Teskin

Applicant(s)

TERANO ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to January 21, 2004.
2. ☒ The allowed claim(s) is/are 25-31.
3. ☒ The drawings filed on 19 April 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Claims 25-31 are allowed primarily in view of the essential limitations to an elastomer for molding, containing polypropylene-b-poly(ethylene-co-propylene), characterized by having, *inter alia*, "(a) polypropylene segments and poly(ethylene-co-propylene) segments ... linked chemically." (Claim 25, lines 1-2 and 7-8.)

Applicants' arguments directed to the above limitations, particularly those presented on pages 3-4 of the latest response, are well taken. In addition, examiner notes the statement in Matthews et al that at the end of the first polymerization sequence, "the reaction mixture is thought to contain non-living polypropylene (resin) and living polypropylene." (Col. 4, lines 16-18.) Since the non-living polypropylene chains will not copolymerize with the ethylene added in the next polymerization sequence of Matthews et al, the resultant polymer composition would expectedly contain polypropylene segments that are *not chemically linked* to the ethylene-propylene copolymer segments, contrary to characteristic (a) of the instantly claimed elastomer.

Further, as noted by applicants, the polymer of Matthews et al is essentially a homologue of the comparative experiments (l) and (m) of comparative experiments I-5 on page 50 of the present application. In Table I-1-1 herein, Comparative Examples I-4 and I-5, which employ the comparative copolymers (l) and (m), show a much lower ratio (after extraction/before extraction) of ethylene content of copolymer segments (EL: wt. %), versus inventive Examples I-1 through I-8. As per page 39 of the specification, this

Art Unit: 1713

ratio is a measurement of the remaining poly(ethylene-co-propylene) segments chemically linked to polypropylene segments. Thus the Matthews et al polymer, by analogy, would be expected to display a comparably low ratio (after extraction/before extraction) of ethylene content of copolymer segments, indicating the polypropylene segments and ethylene-propylene copolymer segments of that polymer *are not linked chemically*, as required by claim 25 hereof.

Accordingly, claims 25-31 are deemed to define allowable subject matter and are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner F. M. Teskin whose telephone number is (571) 272-1116. The examiner can normally be reached on Monday through Thursday from 7:00 AM - 4:30 PM, and can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 1713

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



FRED TESKIN
PRIMARY EXAMINER
1913

FMTeskin/04-05-04